

COUNCIL ACTION FORM

NEW BUSINESS ITEM NO.

MEETING DATE: **NOVEMBER 4, 2013**

STAFF CONTACT: **GERALD CULLUMBER, POLICE CHIEF**

Agenda Item: Consider directing the City Administrator to prepare a letter of notification to the Kansas Attorney General of the City's intent to exempt City Hall from HB 2052, under Section 2(i) for the four-year exemption period allowed by the statute.

Department: Police Department

Background/Description of Item:

The Kansas legislature recently passed HB 2052 (see attached) which controlled where persons could carry concealed weapons (CCW) who had obtained the required CCW permits. With the recent changes in HB 2052, government buildings - to include buildings owned by municipalities - are no longer exempt from the concealed carry statute. However, as outlined in Section 2(i), the Governing Body may exempt City buildings from this section until January 1, 2018 by notifying the Kansas Attorney General of such exemption.

This four-year period will allow staff to perform a needs assessment and cost analysis to determine the feasibility of permanent exemption past January 1, 2018.

Staff Recommendation:

Direct the City Administrator to prepare a letter of notification to the Kansas Attorney General of the City's intent to exempt its buildings from HB 2052, under Section 2(i).

Concealed Carry of Handguns and Other Firearms Amendments; Senate Sub. for HB 2052

Senate Sub. for HB 2052 enacts new law and amends existing law concerning firearms, criminal law, and the Personal and Family Protection Act (concealed carry of handguns). Specifically, the bill:

- Prohibits the unlawful discharge of a firearm within or into the corporate limits of any city. The bill provides exemptions for when a firearm may be discharged within or into a city and also classifies the unlawful discharge of a firearm as a class B, nonperson misdemeanor;
- Modifies the Personal and Family Protection Act to allow the possession of firearms on certain governmental property, including in state and municipal buildings;
- Defines, for the purposes of the bill, the terms ~~%adequate security measures, + %municipality, + %restricted access entrance, + %state and municipal building, + and %weapon;~~
- Excludes school districts from the definition of ~~%municipality;~~
- Excludes the State Capitol from the definition of ~~%state and municipal building;~~
- Requires adequate security measures at public entrances of state and municipal buildings in order to prohibit the carrying of any weapon into a building;
- Prevents a state agency or municipality from prohibiting a licensed employee from carrying a concealed handgun at the employee's workplace, unless the building has adequate security measures and adopted personnel policies prohibit such concealed carry by employees who are licensed;
- Provides that it will not be a violation of the provisions in the bill for a licensed person to carry a concealed handgun through a restricted access entrance into a state or municipal building with adequate security measures;
- Establishes that it is not be a crime for a person to carry a concealed handgun into a public building if properly posted and allows for the denial to a building or removal of such person from a building where concealed carry is prohibited;
- Provides liability protections for entities allowing concealed carry in state or municipal buildings;

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- Allows corrections facilities, jail facilities, or law enforcement agencies to prohibit the carrying of handguns or firearms, concealed or unconcealed, into the secured areas of such buildings, except any other area of such building, outside a secured area and readily accessible to the public, shall be subject to provisions in the bill;

- Permits the chief judge of each judicial district to prohibit the carrying of a concealed handgun into courtrooms or ancillary courtrooms within the district provided other means of security are employed;
- Allows the governing body or chief administrative officer of any state or municipal building to exempt the building for four years, subject to developing a plan for security measures and filing notification of the exemption;
- Provides a specific four-year exemption for any state or municipal building if the governing body or chief administrative officer follows specified procedures for exempting certain entities identified in the bill: public medical care facilities, public adult care homes, community mental health centers, indigent health care clinics, and post-secondary educational institutions;
- Permits school districts, post-secondary educational institutions, public medical care facilities, public adult care homes, community mental health centers, and indigent health care clinics to allow a licensed employee to concealed carry a handgun if the employee meets the entity's general policy requirements and if the entity does not have a personnel policy prohibiting employees from concealed carry of a handgun;
- Excludes the buildings of the Kansas School for the Blind and School for the Deaf from application for a designated institutional exemption;
- Removes a specific listing of buildings in current law where concealed carrying is prohibited and inserts the new phrase "any building";
- Strikes language prohibiting the possession of a firearm on the grounds of certain government buildings, including the State Capitol, and retains existing law prohibiting "open carry" in state and municipal buildings;
- Exempts the State Capitol from provisions of the bill on and after July 1, 2014, and allows a licensee to carry a concealed handgun in the State Capitol, unless the Legislative Coordinating Council determines the Statehouse does have adequate security measures;
- Updates a statute by striking an outdated reference to the Ombudsman of Corrections which no longer exists;
- Unless otherwise required by law, prohibits the release of records that would disclose the name, home address, zip code, e-mail address, phone number or cell number, or other contact information of any person licensed to carry concealed handguns. The provision also applies to applicants for a license;
- Deletes a reduced fee for a concealed carry license obtained by retired law enforcement officers;

- Allows corrections officers, parole officers, and corrections officers employed by the Federal Bureau of Prisons to apply professional firearms certification toward training requirements for a concealed carry license;
- Adds law enforcement officers from other states and qualified retired law enforcement officers to a list of individuals exempted from the law prohibiting the criminal carrying of a weapon;
- Allows law enforcement officers from other states and qualified retired law enforcement officers to possess handguns within buildings where concealed carry may be prohibited;
- Provides liability protections regarding concealed carry for private businesses either allowing or prohibiting concealed carry in private buildings;
- Changes all references in the bill for either premise or premises and facility or facilities to either building or buildings; and
- Makes most provisions in the bill effective on July 1, 2013, and the provisions pertaining to the State Capitol effective on July 1, 2014 (unless the Legislative Coordinating Council determines the Statehouse does not have adequate security measures as defined in the bill).

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